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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/336,229	06/18/1999	STEVEN R. WILLIS	AGM-005	7390

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[REDACTED] ART UNIT [REDACTED] PAPER NUMBER

2663

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15

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/336,229 Examiner Nhat Do	WILLIS, STEVEN R. ND	Art Unit 2663

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 13 August 2003.
- 2a) This action is FINAL. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-3,6,7,11,13-16 and 18-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 1-3,6,7,11,13-16 and 18-20 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) The proposed drawing correction filed on _____ is: a) approved b) disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All b) Some * c) None of:
1. Certified copies of the priority documents have been received.
2. Certified copies of the priority documents have been received in Application No. _____.
3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) The translation of the foreign language provisional application has been received.
- 15) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) Notice of References Cited (PTO-892)
- 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____.
- 4) Interview Summary (PTO-413) Paper No(s) _____.
- 5) Notice of Informal Patent Application (PTO-152)
- 6) Other: _____.

DETAILED ACTION

1. The indicated allowability of claims 5, 12, 16, 17, and 18, which are now claims 1, 11, 14, 16, and 18 respectively is withdrawn in view of previously cited references.

The allowability is withdrawn because after reconsidering the claims and the references, the examiner see the references still read on the claimed invention.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 16, and 18 are rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Patent No. 6,115,373 to Lea.

Lea discloses a device in figure 1 having input/output port processors. Each input/output port processor disclosed in detail in figure 8 comprising:

Input port for receiving input data;

Output ports for outputting data;

Line card comprising:

The P-IP, and MEM-I (An IP packet forwarding facility) for receiving and forwarding IP packet (Fig. 8; col. 4, lines 41-44; col. 6, lines 38-53);

The P-ATM, and MEM-A (An ATM cell forwarding facility) for receiving and forwarding ATM cell (Fig. 8; col. 4, lines 41-44);

Since Lea describes IP packets and ATM cells are mixed on a link (Fig. 2, col. 3, lines 58-60), but IP packets and ATM cells are handled in separate facility, it is inherent that the interface (L-RCV) taught by Lea comprises an device/director for identifying ATM cells and IP packets, and forward ATM cells and IP packet to proper facility.

Since the input/output processor in figure 8 receives 8 lines data input and output one data stream, the input/output processor is also a multiplexer (position at the input/output ports) for multiplexing multiple data streams into one data stream.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 14, 15, 19, and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lea as applied to claim 16 above, and further in view of U.S. Patent No. 5,936,965 to Doshi et al and “Newton’s Telecom Dictionary” by Harry Newton.

Regarding to claim 14, Lea fails to disclose the received data stream is a non-ATM data stream including an OC-48 data stream. Doshi et al disclose a device in figure 1 for receiving multiple protocol data including ATM and IP data (Col. 5, lines 25-30). Doshi et al also disclose the data is encapsulated in a non-ATM data stream such as OC-3 or OC-12 (Col. 3, lines 35-45).

Further more, based on "Newton's Telecom Dictionary" by Harry Newton, OC-3 or OC-12 is in a family of fiber optic with variable rates created to provide the flexibility needed to transport signals with different capacities.

A skilled artisan would have been motivated to modify the interface (L-RCV) in Lea system so that it receives an OC data stream as the Doshi et al receiver in order to employ the benefit of the Doshi et al method, which is less overhead demand (Col. 2, line 1); wherein OC-48 (or any OC) is selected based on the need as taught by Newton.

Therefore, it would have been obvious to a person having ordinary skill in the art by the time the invention was made to receive data stream in a OC-48 data stream in the device taught by Lea.

Regarding to claim 15, Lea discloses the line cards is interconnected by the interconnect SWITCH (Fig. 7b).

Regarding to claims 19, and 20, Lea discloses the device is a chip (Col. 3, lines 49-52), and it is inherent that device comprises a housing that house the forwarding facilities.

6. Claims 1-3, 6, 7, 11, and 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lea, Doshi et al, and Newton as applied to claim 14 above, and further in view of U.S. Patent No. 6,075,788 to Vogel.

Regarding to claims 1, and 11, Lea, Doshi et al, and Newton fail to disclose a SONET deframer for deframing the received data stream. Vogel discloses a device in figure 3 for receiving multiple protocol data with a SONET deframer block 46. A skilled artisan would have been motivated to add a SONET deframer as taught by Vogel to Lea device modified by Doshi et al, and Newton in order to employ the benefit of Doshi et al. Therefore, it would have

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been obvious to a person having ordinary skill in the art by the time the invention was made to add a SONET deframer to Lea modified by Doshi et al, and Newton.

Regarding to claims 2, 3, Lea discloses the device is a chip (Col. 3, lines 49-52), and it is inherent that device comprises a housing that house the forwarding facilities.

Regarding to claims 6, 7, and 13, Lea further discloses the device includes output ports for outputting data (Fig. 1; col. 3, line 40), and an ATM forwarding facility comprises ATM cell lookup (Fig.4) for forwarding ATM cells and an IP forwarding facility comprises IP packet lookup (Fig.4) for forwarding IP packet.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Nhat Do whose telephone number is (703) 305-5743. The examiner can normally be reached on 8:30 AM - 5:30 PM Monday - Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chau Nguyen can be reached on (703) 308-5340. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-3900.

Nhat Do
Examiner
Art Unit 2663

ND

September 3, 2003



MELVIN MARCELO
PRIMARY EXAMINER